

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**JOHN H. BURTON,**

**Plaintiff,**

**v.**

**Case No. 16-CV-594**

**KOHN LAW FIRM, S.C.,**

**Defendant.**

---

**ORDER**

---

On July 15, 2016, the defendant, Kohn Law Firm, S.C., filed a motion to dismiss the plaintiff's, John H. Burton's, complaint. (Docket # 7.) In his complaint, Burton raises claims under the Fair Debt Collection Practices Act and the Wisconsin Consumer Act, based on actions taken (or not taken) by Kohn in a state court collection case against him. Kohn moves to dismiss the complaint on two bases: first, because the court lacks subject matter jurisdiction, and second, because the court should abstain from deciding this case until the state court collection case is resolved. (*See* Docket # 8.) Upon review of the record and the information available on Wisconsin Circuit Court Access ("CCAP"), it appears that the state case (Brown County Case 15SC1271) has been dismissed. In light of this, I am directing the parties to submit short statements on whether the dismissal of the state court case moots Kohn's argument about abstention. Kohn has until **October 12, 2016** to file its short statement. If Burton wishes to respond, he may do so by **October 17, 2016**.

**IT IS SO ORDERED.**

Dated at Milwaukee, Wisconsin this 5<sup>th</sup> day of October, 2016.

BY THE COURT

s/ Nancy Joseph

NANCY JOSEPH

United States Magistrate Judge